

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:21-CV-129-MOC-DCK**

**ZAKLADY FARMACEUTYCZNE
POLPHARMA S.A.,**

**Plaintiff,
vs.**

KARTHA PHARMACEUTICALS, INC.,

Defendant.

**RUBICON RESEARCH PRIVATE
LIMITED,**

**Plaintiff,
vs.**

**KARTHA PHARMACEUTICALS INC.,
and MANOJ BABU MAZHUVANCHERIL,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on the “Joint Motion To Amend Protective Order” (Document No. 95) filed November 5, 2021. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion. The terms of the Consent Order are hereby entered as follows:

WHEREAS the Court has ordered Polpharma and Kartha to resolve the merits of their dispute in the pending Swiss arbitration (SR Case No. 600639-2021) (Document No. 79);

WHEREAS permitting Swiss arbitration counsel to access and use discovery that has been exchanged by Polpharma and Kartha in the U.S. litigation will reduce costs for all parties involved;

WHEREAS Polpharma and Kartha have agreed to permit Swiss arbitration counsel to access and use documents that they have designated as Confidential or Attorney Eyes Only under the Protective Order in this case (Document No. 20), provided that Swiss arbitration counsel shall treat such documents as subject to Article 44 of the Swiss Rules of International Arbitration; and

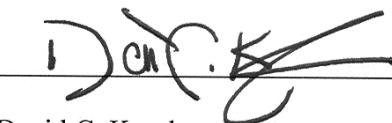
WHEREAS Rubicon does not oppose such a modification to the Protective Order;

It is hereby **ORDERED** by the Court that:

1. Polpharma and Kartha may provide their respective Swiss arbitration counsel with access to any discovery provided by Polpharma or by Kartha in this case, including contemporaneous documents, deposition transcripts, and expert reports, for use only in the related Swiss arbitration (SR Case No. 600639-2021).
2. In providing such access, Polpharma and Kartha shall instruct their Swiss arbitration counsel that all discovery that has been marked Confidential or Attorney Eyes Only shall remain confidential and is subject to Article 44 of the Swiss Rules of International Arbitration.

SO ORDERED.

Signed: November 5, 2021



David C. Keesler
United States Magistrate Judge


/s/ Sara R. Lincoln

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Dated: November 5, 2021